REMARKS

The specification has been amended. Claims 1 - 6 and 9 - 17 have been amended to more clearly specify limitations of Applicants' invention. Claims 18 - 20 have been added. No new matter has been introduced with these amendments or added claims, all of which are supported in the specification as originally filed. Claims 1 - 20 are now in the application.

I. Rejections Under 35 U.S.C. §103(a)

Page 2 of the Office Action dated November 17, 2004 (hereinafter, "the Office Action") states that Claims 1, 5, 9, 11, 12, 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Treyz (US 6,587,835 B1) in view of Bouve (US 6,415,291 B2). Page 7 of the Office Action states that Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Treyz and Bouve, and further in view of Singh (US 2002/0091758 A1). Page 9 of the Office Action states that Claims 6 - 7, 10, 13, and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Treyz and Bouve, and further in view of Ogasawara (US 6,386,450 B1). Page 13 of the Office Action states that Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Treyz and Bouve, and further in view of Jain (US 5,155,679). Page 14 of the Office Action states that Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Treyz and Bouve, and further in view of Obradovic (US 2002/0038307). These rejections are respectfully traversed.

With regard to Treyz and Applicants' independent Claims 1, 11, and 14, Treyz fails to

teach "determining a plurality of merchants, and locations thereof, from which [a plurality of] identified items and/or services may be obtained" (as noted on Page 3, lines 8 - 10 of the Office Action).

With regard to Treyz and Applicants' independent Claim 1, Treyz fails to teach "programmatically computing, in view of one or more shopping path optimization factors, a shopping path for obtaining the items and/or services, wherein the shopping path comprises an ordered traversal among the locations of the merchants and wherein the optimization factors comprise at least a minimum overall cost of obtaining the items and/or services".

With regard to Treyz and Applicants' independent Claims 11 and 14, Treyz fails to teach "programmatically computing, in view of one or more shopping path optimization factors, a shopping path for obtaining the items and/or services, wherein the shopping path comprises an ordered traversal among the locations of the merchants and wherein the factors comprise one or more of: (1) a minimum cost of obtaining the items and/or services; (2) a minimum number of merchants from which the items and/or services may be obtained; (3) a minimum overall distance of the shopping path; and (4) minimum travel time to traverse the shopping path".

Applicants note that Bouve teaches identifying a category (or categories) of items, and a geographic vicinity in which those items should be located. Regarding the geographic vicinity, the user might select his current location (col. 6, lines 44 - 47, "first mode") or some other target destination, such as an airport to which he plans to travel (col. 6, line 66 - col. 7, line 15, "second

mode"). Regarding the category selection, see, for example, Fig. 4, the box beginning "AREA OF INTEREST MAP", which states that the map is updated to show "all items in the category", and Fig. 5, from which a user can select one or more categories. See also the following textual references to identifying a category of items within some particular geographic vicinity: col. 2, lines 23 - 26, "items of interest within the selected category and geographic vicinity"; col. 3, lines 21 - 26, discussing requests for "a geographic vicinity and a selected category of the items of interest" and then transmitting information that includes "a position for the items of interest within the selected category and geographic vicinity"; col. 3, lines 34 - 36, stating that a user interface "indicates the position of each of the items ..." (emphasis added; note, "position" of items, not "path" among the positions); and so forth. Bouve uses an example where the user has selected "computer products" as the category of interest. (See col. 5, lines 12 - 13 and Fig. 5, where this category is shown with a checkmark **78**.) Responsive to identifying this "computer products" category, a map is presented to the user, showing the location of two nearby computer products stores. (See Fig. 2.)

However, providing a map where locations of stores are (individually) highlighted is patentably distinct from computing a shopping path between merchant locations, where this path comprises "an ordered traversal among the locations of [a plurality of] merchants ... from which items and/or services may be obtained". Applicants respectfully disagree with the statements on Page 4, lines 4 - 10 of the Office Action, which states that Bouve computes "an exact 'path' for the individual to follow ...". Applicants note that Bouve's user is described as being located at hotel **36**. (See, for example, col. 5, line 35, "user's current location, i.e., at the hotel **36**"; col. 6,

line 49 - 50, "user is located ... at the hotel 36".) Bouve's user might, for example, leave hotel 36 and travel to computer store #1. Or, the user might travel to computer store #2 instead of computer store #1. Or, supposing the user decides to visit both computer stores, he might follow Congress Street (upon leaving computer store #1) to High Street -- or follow Congress Street to Milk Street to Federal Street to High Street -- or Congress Street to Franklin Street to Federal Street to High Street. As yet another alternative, the user might visit computer store #2 first, and then travel to computer store #1, with the same potential routes that were just discussed. Clearly, it can be seen by this simple discussion that the information shown in Fig. 2 does not provide Bouve's user with "an exact path". (And if there are more than only 2 potential stores to be visited, this difference between Applicants' "computed path" and Bouve's street map becomes even more obvious.)

In addition, Bouve fails to teach use of optimizing factors (that is, "programmatically computing, in view of one or more shopping path optimization factors, a shopping path ..."), as claimed in Applicants' independent claims.

Applicants also respectfully disagree with analysis of ones of their dependent claims. With regard to Claim 3, for example, in contrast to the discussion on Page 6, lines 1 - 2 of the Office Action, while Treyz shows, in Fig. 28, determining the cost of a particular item at multiple merchants, this is patentably distinct from computing a shopping path in view of that information: Treyz simply leaves the user to manually select the lowest-priced item. See col. 31, lines 66 - 67, stating that Fig. 28 "allow[s] the user to compare prices" (emphasis added).

Regarding the analysis of Claim 4 on Page 6, lines 3 - 15, Applicants believe that their claim language pertaining to particular optimizations is, in fact, limiting and should therefore be given patentable weight. Applicants also respectfully submit that Treyz fails to teach optimization, as just discussed with reference to Fig. 28.

In view of the above, Applicants respectfully submit that their independent Claims 1, 11, and 14 are patentably distinct over any combination of Treyz and/or Bouve (assuming, *arguendo*, that one of skill in the art would be motivated to attempt such combination and that such combination could be made). Dependent Claims 2 - 10, 12 - 13, and 15 - 20 are therefore deemed patentable over the references as well. The Examiner is therefore respectfully requested to withdraw the §103 rejection of all claims.

II. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all claims at an early date.

Respectfully submitted,

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